

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

WILBUR L. JACKSON,

Defendant.

CASE NO. 8:08CR397

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 44) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to Suppress (Filing No. 23). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence and statements obtained as a result of the June 4, 2008, traffic stop, search of the vehicle driven by the Defendant, search of the Defendant, and questioning. Judge Gossett concluded: officers had probable cause to stop the vehicle in question; the observation of marijuana in plain view inside the vehicle provided reasonable suspicion to expand the scope of the stop, and probable cause for the Defendant's continued detention and arrest as well as the search of the vehicle; the Defendant voluntarily and knowingly waived his *Miranda* rights; and the Defendant voluntarily made statements to law enforcement.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 24, 37) and the transcript (Filing No. 46). Because Judge fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 44) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 23) is denied.

DATED this 9th day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge